1937

File No. 1320/36

A CLASS

P.W. **DEPARTMENT**

E. **BRANCH**

Subject:— Bombay Legislature Committees (Evidence of officials) Rules, 1937.

P.3/E

A K 11937

File No. 1320/36 E.

Ftd. Scott. Slip. 24 A.

G R., G D., No. 2408, dated 22-5-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 1320/36

P.W. DEPT.

E BRANCH.

References :—

Date.	To whom sent.	Notes and instructions.

Refyms

Political and Services Department.
Bombay Castle, 15th April 1937.

No. R. 364-In exercise of the ewers conferred by xx the previse to sub-section (4) of section 71 of the Government of India Act, 1935, the Governor of Bombay is pleased to make the folldwing rules for regulating the attendance before committees of either Chamber of the legislature of the Province of Bombay of persons who are or have been in the service of the Crown in India, and for safeguarding confidential matter from disclosure:-

1. These rules may be called the Bombay Legislature Committee (Evidence of Officials) Rules, 1937.

2. In these rules, unless there is anything repugnant in the subject or context --

(a) "legislature" means the legislature of the Province of Bombay.

(b) "Committee" means a Committee of either Chamber of the legislature of the Province of Bombay.

(c) "Official" means a person who is or has been in the service of the Crown in India.

3. The Governor may, by general or special order, empower any official to attend a meeting of a committee of the legislature for the purpose of giving evidence relating to his official duties and/or producing any official document or class of official documents which may be necessary for the proper elucidation of the matter on which the official is required to give evidence; and no official shall attend a meeting of a committee of the legislature for the purpose of giving evidence or of producing official documents unless he has been so xx empowered.

4. A requisition issued by the Chairman of a Committee to any official to attend a meeting of the committee for the

for the purpose of giving evidence relating to his official duties or producing official documents shall be addressed to the Chief Secretary to Government and shall state with as much precision as may be possible the matter or matters on which the evidence of the official is required and what, if any, documents he is required to produce.

5. The official, if generally empowered in this behalf or after being specially empowered under rule 3, shall appear before the committee, and shall take with him all documents which are relevant to the matter or matters on which his evidence is required, and which he has been authorised to produce by general or special order under rule 3. If, notwithstanding such authorisation, he considers that any evidence which he is asked to give, or any document which he is required to produce, should, in the public interest, not be given or produced, he shall make at the appropriate moment a statement to that effect before the committee, and, if he has not already received orders on the matter, he shall refer it, through proper official channels, to the Minister in charge of the department to which the case belongs, who shall refer it for the orders of the Governor.

6. Nothing contained in any Act passed by the Bombay Legislature which provides for the punishment on conviction before a court of persons who refuse to give evidence or produce documents before a committee shall be deemed to subject an official to punishment on the ground that he has failed to give evidence relating to his official duties, or to produce an official document before a committee, or that he has failed to appear before a committee to give such evidence or produce such documents.

7. In the discharge of his functions under these rules the Governor ---

the Governor shall exercise his individual judgment.

8. These rules shall be subject to the previsions of any rule made under section 58 of the Government of India Act, 1935.

By order of His Excellency the Govr. of Bombay,
C.W.A.TURNER,
Ch.Secy. to Govt.

Below a copy of Government Notification, Political and Reforms Department No. R-364, dated the 15th April 1937.

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No. R-364.

Political and Reforms Department,
Bombay Castle, 28th April 1937.

Forwarded with compliments to the Secretary to His Excellency the Governor and all Departments of the Secretariat (except the Separate Department) for information and guidance

2. In this connection, the attention of the Secretary to His Excellency the Governor is invited to the demi-official letter from the Government of India, Home Department, No. F. 138/36-Public, dated the 29th September 1936, a copy of which is enclosed for his information and guidance.

By order of His Excellency the Governor of Bombay,
Sd/-
Dy. Secy. to the Govt. of Bombay,
Political and Reforms Department,

To
The Secy. to His Excellency the Governor,
All Deptts. of the Secretariat (except the Separate Deptt.)